

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVID YWAIN YOUNG,

Petitioner,

Case No. 1:11-cv-4

v.

Honorable Paul L. Maloney

ALLEN L. BYAM,

Respondent.

ORDER

On January 6, 2011, the Court entered an order of deficiency (docket #2) because Petitioner failed to pay the \$5.00 filing fee for a habeas corpus action or to file an affidavit of indigence and certified prisoner trust account statement as required by Rule 3 of the Rules Governing § 2254 Cases to apply to proceed *in forma pauperis*. The Court allowed 28 days for Petitioner to comply. Petitioner was warned that if he failed to comply the Court would presume that he was not proceeding *in forma pauperis*, and dismiss his case for want of prosecution.

More than 28 days have elapsed. Petitioner did not submit the \$5.00 filing fee or the requisite documents to apply to proceed *in forma pauperis*. Because Petitioner has failed to comply with the Court's order, dismissal of this action without prejudice for want of prosecution is appropriate. Therefore, the Court will issue a Judgment dismissing the action without prejudice.

Dated: February 22, 2011

/s/ Paul L. Maloney
Paul L. Maloney
Chief United States District Judge